

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE KROGER CO.,
Plaintiff,

vs.

Case Number: 1:02cv439
Beckwith, J.; Black, M.J.

MALEASE FOODS CORP.,
Defendant.

ORDER SETTING STATUS/SETTLEMENT CONFERENCE

This case is hereby set for status/settlement conference **on MAY 16, 2005, commencing at 10:00 a.m.**¹ at the Potter Stewart U.S. Courthouse, 100 E. 5th Street, Room 716, Cincinnati, Ohio. The undersigned U.S. Magistrate Judge will serve as the facilitator of the status/settlement conference, pursuant to the Order of Chief Judge Beckwith entered March 31, 2005 (doc. 83).

Not later than **MAY 6, 2005, by 12:00 p.m.**, each party shall submit to the Magistrate Judge only, and without formal filing with the Clerk,² a confidential letter of three pages or less regarding the case's status and potential for settlement, including a statement regarding the issues of a new trial and/or remittitur, the status of the motion to show cause (doc. 66), and a realistic proposal as to how to settle this case fully now.

These letters will be maintained by the Magistrate Judge separate and apart from the case

¹ If this is not a convenient date, counsel shall select alternative dates between themselves and contact Jan Lahley, Courtroom Deputy for the Magistrate Judge, at 513-564-7640, to inquire of the Magistrate Judge's availability. Any suggested alternative shall be within 45 days of the Order of Chief Judge Beckwith.

² The letters may be delivered to the Magistrate Judge by email to black-chambers@ohsd.uscourts.gov; by fax to 513-564-7644, or by hand delivery to chambers.

file.

Throughout the entirety of this status/settlement conference, counsel and party representatives with complete authority to negotiate a settlement of the case shall be present (unless excused upon good cause shown).

Pursuant to S. D. Ohio Civ. R. 16.3(c), all statements made by the parties relating to the substance or merits of claims or defenses made in the case, whether written or oral, made for the first time during the settlement conference or in the settlement conference statements required above shall be kept confidential by the Court, the parties, and counsel and shall not be admissible in evidence for any reason during the trial of this case.

IT IS SO ORDERED.

Date: 4/26/05

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge

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